

114TH CONGRESS
1ST SESSION

H. R. 229

To require the Secretary of Homeland Security to establish a biometric exit data system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2015

Mrs. MILLER of Michigan (for herself and Mr. McCaul) introduced the following bill; which was referred to the Committee on Homeland Security.

A BILL

To require the Secretary of Homeland Security to establish a biometric exit data system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 The Act may be cited as the “Biometric Exit Im-
5 provement Act of 2015”.

6 SEC. 2. BIOMETRIC EXIT DATA SYSTEM.

7 (a) ESTABLISHMENT.—The Secretary of Homeland
8 Security shall—

(1) not later than 180 days after the date of the enactment of this Act, submit to the Committee

1 on Homeland Security of the House of Representa-
2 tives and the Committee on Homeland Security and
3 Governmental Affairs of the Senate an implementa-
4 tion plan to establish a biometric exit data system
5 to complete the integrated biometric entry and exit
6 data system required under section 7208 of the In-
7 telligence Reform and Terrorism Prevention Act of
8 2004 (8 U.S.C. 1365b), including—

9 (A) an integrated master schedule and cost
10 estimate, including requirements and design,
11 development, operational, and maintenance
12 costs, of such a system;

13 (B) cost-effective staffing and personnel
14 requirements of such a system that leverages
15 existing resources of the Department of Home-
16 land Security;

17 (C) a consideration of training programs
18 necessary to establish such a system;

19 (D) a consideration of how such a system
20 will affect wait times;

21 (E) information received after consultation
22 with private sector stakeholders, including—

23 (i) the trucking industry;

24 (ii) the airport industry;

25 (iii) the airline industry;

(iv) the seaport industry;

(v) the travel industry; and

(vi) the biometric technology industry;

(F) a consideration of how trusted traveler

programs in existence as of the date of the en-

actment of this Act may be impacted by, or in-

corporated into, such a system;

(G) defined metrics of success and mile-

stones;

(H) identified risks and

to address such risks; and

(I) a consideration of how other countries

have implemented a biometric exit data system;

(2) not later than two years after the date of

enactment of this Act, establish a biometric exit

a system at—

(A) the ten United States airports that

support the highest volume of international air

travel, as determined by available Federal flight

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data;
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(B) the ten United Stat

support the highest volume of international sea

travel, as determined by available Federal travel

data; and

(C) the ten United States land ports of entry that support the highest volume of pedestrian crossings, as determined by available Federal border crossing data; and

16 (b) IMPLEMENTATION.—

17 (1) PILOT PROGRAM AT LAND PORTS OF ENTRY
18 FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—

1 pilot program to test the biometric exit data
2 system referred to in subsection (a)(2) on non-
3 pedestrian outbound traffic at not fewer than
4 three land ports of entry with significant cross-
5 border traffic, including at not fewer than two
6 land ports of entry on the southern border and
7 at least one land port of entry on the north-
8 ern border, and including in at least one pas-
9 senger vehicle lane. Such pilot program may in-
10 clude a consideration of more than one biomet-
11 ric mode, and shall be implemented to deter-
12 mine the following:

- 13 (i) How a nationwide implementation
14 of such biometric exit data system at land
15 ports of entry shall be carried out.
- 16 (ii) The infrastructure required to
17 carry out clause (i).
- 18 (iii) The effects of such pilot program
19 on legitimate travel and trade.
- 20 (iv) The effects of such pilot program
21 on wait times, including processing times,
22 for such non-pedestrian traffic.
- 23 (v) Its effectiveness in combating ter-
24 rorism.

(B) GAO REVIEW.—Not later than 30 days after the conclusion of the pilot program under subparagraph (A), the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall submit the results of the determinations made pursuant to such subparagraph to the Government Accountability Office for review. Not later than 90 days after the Government Accountability Office receives such results, the Comptroller General of the United States shall submit to the Secretary of Homeland Security and the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a review of such results.

1 House of Representatives and the Committee
2 on Homeland Security and Governmental Af-
3 fairs of the Senate a plan, with an integrated
4 master schedule, to implement a biometric exit
5 data system at all land ports of entry for non-
6 pedestrian outbound traffic.

7 (2) AT LAND PORTS OF ENTRY FOR NON-PE-
8 DESTRIAN OUTBOUND TRAFFIC.—

9 (A) IN GENERAL.—Not later than three
10 years after submitting the integrated master
11 schedule referred to in paragraph (1)(C), the
12 Secretary of Homeland Security shall expand
13 the biometric exit data system referred to in
14 subsection (a)(2) to all land ports of entry, and
15 such system shall apply only in the case of non-
16 pedestrian outbound traffic.

17 (B) EXTENSION.—

18 (i) COLLABORATION.—The Secretary
19 of Homeland Security shall collaborate
20 with the head of a university-based center
21 of excellence with prior expertise in border
22 security and counterterrorism and with the
23 head of a national laboratory within the
24 Department of Homeland Security labora-
25 tory network with prior expertise in border

1 security and counterterrorism regarding
2 extensions of the initial date specified in
3 subparagraph (A) if any of the conditions
4 described in clause (ii) exist.

5 (ii) CONDITIONS.—The Secretary of
6 Homeland Security may extend by two
7 years the initial date specified in subpara-
8 graph (A), and may renew such extension
9 in additional two year increments, if the
10 Secretary, after the collaboration described
11 in clause (i), certifies to the Committee on
12 Homeland Security of the House of Rep-
13 resentatives and the Committee on Home-
14 land Security and Governmental Affairs of
15 the Senate that any of the following condi-
16 tions exist:

17 (I) Systems to collect biometric
18 data cannot be purchased, deployed,
19 or operated at land ports of entry by
20 the initial deadline specified in sub-
21 paragraph (A).

22 (II) The 15 land ports of entry
23 that support the highest volume of
24 international travel, as determined by
25 available Federal data, do not have

the physical infrastructure or characteristics to install the systems referred to in subclause (I).

(c) EFFECTS ON AIR, SEA, AND LAND TRANSPORTATION.—The Secretary of Homeland Security, in consultation with appropriate private sector stakeholders, shall ensure that the collection of biometric data under this section causes the least possible disruption to the

1 movement of people or cargo in air, sea, or land transpor-
2 tation.

3 (d) DETERMINATION.—In making the analysis re-
4 quired under subsection (a)(3), the Secretary of Homeland
5 Security shall consider the effects of the collection of bio-
6 metric data under this section on wait times for air and
7 sea travelers and any other significant disruption to the
8 movement of people or cargo in air or sea transportation.

9 (e) TERMINATION OF PROCEEDING.—Notwith-
10 standing any other provision of law, the Secretary of
11 Homeland Security shall, on the date of the enactment
12 of this Act, terminate the proceeding entitled “Collection
13 of Alien Biometric Data Upon Exit From the United
14 States at Air and Sea Ports of Departure”, issued on
15 April 24, 2008 (73 C.F.R. 22065; DHS Docket No. 2008–
16 0039).

17 (f) DATA-MATCHING.—The biometric exit data sys-
18 tem established under this section shall—

19 (1) require that the biometric data that was ob-
20 tained for a person upon entry to the United States
21 is matched against the biometric data of such person
22 when such person exits the United States;

23 (2) leverage the infrastructure and databases of
24 the current entry system established pursuant to
25 section 7208 of the Intelligence Reform and Ter-

1 rorism Prevention Act of 2004 (8 U.S.C. 1365b) for
2 the purpose described in paragraph (1); and

3 (3) be interoperable with, and allow matching
4 against, other Federal databases that store bio-
5 metrics of known or suspected terrorists.

6 (g) SCOPE.—

7 (1) IN GENERAL.—The biometric exit data sys-
8 tem established under this section shall include a re-
9 quirement for the collection of biometric exit data
10 for all categories of individuals who are required to
11 provide biometric entry data.

12 (2) EXCEPTION.—This section shall not apply
13 in the case of a citizen of the United States.

14 (h) COLLECTION OF DATA.—The Secretary of Home-
15 land Security may not require any non-Federal person to
16 collect biometric data pursuant to the biometric exit data
17 system established under this section, except through a
18 contractual agreement.

19 (i) MULTI-MODAL COLLECTION.—In carrying out
20 subsections (a)(1) and (b), the Secretary of Homeland Se-
21 curity shall make every effort to collect biometric data
22 using additional modes of biometric technology.

